

REMARKS

Claims 1-30 are pending in this application. Claims 19-30 have been indicated as being allowable over the prior art of record. Claims 2-5 and 7-18 are merely objected to as being dependent upon a rejected base claim, but otherwise have been indicated as being allowable over the prior art of record. Claims 1 and 6 stand rejected and are at issue herein. Reconsideration of claims 1 and 6 in view of the following remarks and indication of the allowability of claims 1-30 at an early date are respectfully solicited.

As an initial matter, the applicants have included herewith as attachment A an Information Disclosure Statement and PTO Form 1449 submitted by the applicants on August 13, 2003. The Examiner will note that the sole reference submitted in this Information Disclosure Statement is the Kolson et al. patent, U.S. Patent No. 6,240,735. In the above-identified Office Action, however, a copy of this Form 1449 was not returned with the Examiner's signature indicating that the Kolson et al. '735 reference had been considered. However, the Examiner has included with the above-identified Office Action a Notice of References cited which includes the Kolson et al. '735 patent. As such, consideration of the Information Disclosure Statement filed by the applicants is moot. However, the applicants wish to state on the record that they had filed such an Information Disclosure Statement identifying the Kolson et al. '735 reference, which reference is discussed in the background section of the originally filed application, is assigned to the assignee of the instant application, and has been incorporated into the present application by reference thereto.

The applicants wish to thank the Examiner for his thorough consideration of this application and indication of the allowability of claims 19-30, and the indication that claims 2-5 and 8-18 are also allowable over the prior art of record, albeit being objected to as dependent upon a rejected base claim.

The Examiner has rejected claims 1 and 6 under 35 U.S.C. §102(b) as being anticipated by Kolson et al. '735. The applicants have thoroughly considered this ground of rejection, and wish to point out certain features of independent claim 1 that are not found in this previous design.

As described by the applicants in the originally filed specification beginning on page 3 paragraph [0006] and continuing through paragraph [0008], "this inner cylinder receives the

fluid flow at an axial inlet. The flow of fluid out of the assembly is in a radial direction through the side wall apertures ... the Kolson et al. rotary damper also requires a directional change in the fluid flow through the assembly. That is, the Kolson et al. damper redirects the flow of the fluid from an axial flow to a radial flow therein. This results in increased fluid turbulence, which reduces the efficiency of the fluid exchange between the two compartments." This change in direction of the fluid flow may clearly be seen by the fluid flow arrows 64 in figures 1 and 5 of the Kolson et al. '735 reference.

In contrast to the previous Kolson et al. '735 design, the flow through rotary damper assembly of independent claim 1 requires "a radial flow path straight through the assembly is formed when the cylindrical inner body member is rotationally positioned such that the third and fourth apertures are aligned with the first and second apertures." This radial flow path is contrasted with the flow path of the assembly of Kolson et al. '735 which requires a directional change in the fluid flow therethrough as clearly illustrated by fluid flow arrows 64 in figures 1 and 5 of the Kolson et al. '735 patent. As such, the Kolson et al. '735 assembly does not include a radial flow path straight through the assembly as specifically required by independent claim 1. Reconsideration of this ground of rejection and indication of the allowability of claims 1 and 6 for this reason are respectfully solicited.

Additionally, independent claim 1 requires, *inter alia*, "the first and second apertures being formed in radial proximity with one another on opposite sides of the cylindrical outer body member ... the third and fourth apertures being formed in radial proximity with one another on opposite sides of the cylindrical inner body member ..." However, the assembly of Kolson et al. '735 does not include such apertures on opposite sides of the cylindrical outer body member or on the cylindrical inner body member. Instead, as may be clearly seen from Fig. 1 of the Kolson et al. '735 patent, both the outer body member 12 and the inner body member 14 includes apertures that are adjacent to one another, not on opposite sides as required by independent claim 1. This orientation may also be seen in Fig. 6 of the Kolson et al. '735 reference. As described by the applicants in the originally filed specification, such orientation "results in increased fluid turbulence, which reduces the efficiency of the fluid exchange between the two compartments." Originally filed Specification, page 3, paragraph [0008]. As such, the applicants respectfully submit that Kolson et al. '735 cannot anticipate independent claim 1 for this additional reason. Reconsideration of this ground of rejection for this additional reason and indication of the allowability of claim 1 at an early date are respectfully solicited.

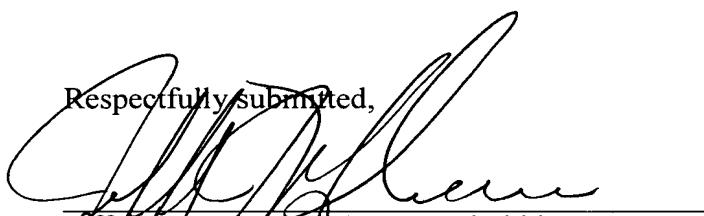
In re Appln. Of: James E. Pearson et al.
Application No.: 10/620,104

Claim 6 depends on independent claim 1, and is therefore respectfully submitted to be patentable for the reasons discussed above with regard to independent claim 1. Reconsideration of claim 6 and indication of its allowability at an early date are respectfully solicited.

As indicated above, the Examiner has objected to claims 2-5 and 7-18 as being dependent upon a rejected base claim, but has indicated that these claims are otherwise allowable over the prior art of record. In view of the distinctions discussed above with regard to independent claim 1, the applicants respectfully submit that these claims are in condition for allowance without the necessity of amending them to independent form. Reconsideration of this ground of objection and indication of their allowability in their present form are therefore respectfully solicited.

In view of the above, the applicants respectfully submit that claims 1-30 are in condition for allowance, claims 2-5, 7-18, and 19-30 having previously been indicated as being allowable over the prior art of record. Reconsideration of claims 1-18 and indication of the allowability of claims 1-30 at an early date are respectfully solicited.

If the Examiner believes that a telephonic conversation will aid in the resolutions of any issues not resolved herein, the Examiner is invited to contact the applicants attorneys at the telephone number listed below.

Respectfully submitted,


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